

# Finding of the Editorial Standards Committee of the BBC Trust **Newsnight, BBC Two, 2 November 2012**

Finding of 14 December 2012

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# Summary

On 2 November 2012, Newsnight broadcast a report into child sexual abuse in North Wales care homes in the 1970s and 1980s (the “**Newsnight Report**”). In the Newsnight Report, it was claimed that two victims had been abused by “a leading Conservative politician from the Thatcher years”. The alleged perpetrator was not identified. By the time the Newsnight Report was broadcast, there had been 12 hours of speculation online regarding the identity of the alleged perpetrator. We now know that the man anonymously alleged to be the perpetrator in the Newsnight Report was Lord McAlpine.

The following week, on 9 November 2012, Newsnight broadcast their own apology and also included a clip of an interview that had been recorded with the abuse victim, Mr Messham, earlier that day, in which he offered his “humble apologies to Lord McAlpine” for wrongly identifying him as the abuser. The then Director-General of the Executive, George Entwistle, commissioned a report by Ken MacQuarrie, Director Scotland, into what had happened (the “**MacQuarrie Report**”) (see Appendix 1).

To summarise, as at the date of the finding, the following actions have been undertaken by the Executive:

- Mr Entwistle resigned from his role as Director-General
- An apology has been broadcast on Newsnight
- The BBC agreed terms to settle Lord McAlpine’s libel claim for £185,000 plus costs and an apology was made in court
- Three BBC employees have been subject to disciplinary action
- All new investigations by Newsnight were suspended and remain so
- Collaborations between the BBC and Bureau of Investigative Journalism (“**BIJ**”) were put on hold and remain so.

The Editorial Standards Committee of the Trust (the “**Committee**”) requested that the Executive provide answers to various questions with a view to identifying the editorial failings that occurred, so that the members of the Committee could assess whether there were any systemic failures within the organisation that contributed to the broadcasting of the Newsnight Report. Details of the questions asked are contained within the body of this document.

The Executive provided answers to those questions in a report on 14 December 2012 (the “**Executive Report**” (see Appendix 2). The Executive Report concluded that:

- Basic journalistic checks on the story were not applied.
- The Newsnight team did not make adequate attempts to seek validation for the story beyond what the reporter delivered.
- The management of the story was inadequate.

- Jigsaw identification of Lord McAlpine became possible and this risk increased during the day leading up to the broadcast.
- The decision to broadcast the Newsnight Report was wrong.

The Executive Report was considered by the members of the Committee on 14 December 2012. In summary, the Trustees concluded that:

- There was a serious breach of the Editorial Guidelines relating to accuracy (the "**Accuracy Guidelines**") (see Appendix 3).
- The Trustees found the broadcast allegations were not based on sound evidence and had not been thoroughly tested.
- As a result of the inaccuracy, the audience had been misled.
- The combination of the Newsnight Report and online speculation had led to Lord McAlpine being incorrectly identified as Mr Messham's abuser.
- This has been a grave breach which had been costly to all concerned.
- The Trustees wish to put on record an apology to Lord McAlpine and to the public for this serious failure of BBC journalism.

# ESC Finding

## Background

The Newsnight Report was broadcast on 2 November 2012. In the Newsnight Report, it was claimed that two victims had been abused by "a leading Conservative politician from the Thatcher years". The alleged perpetrator was not identified. We now know that the man anonymously alleged to be the perpetrator in the report was Lord McAlpine. The Executive has offered a full public apology to Lord McAlpine.

On 1 November 2012, the night before the Newsnight Report was broadcast, the then Managing Editor of BIJ, Iain Overton, shared the identity of the alleged abuser with a journalist, Michael Crick of Channel 4 News. Mr Crick had then approached Lord McAlpine who strongly denied the allegations and said that he would sue the BBC. The fact that the alleged perpetrator had denied the allegations became the subject of further tweets and online news reports and featured in a report on Channel 4 News several hours before the Newsnight Report was broadcast.

Also, on 2 November 2012, approximately 12 hours before the Newsnight Report was broadcast, Mr Overton tweeted the following statement : *"If all goes well we've got a Newsnight out tonight about a very senior political figure who is a paedophile."* In the build-up to the Newsnight Report, there was considerable speculation about the identity of the alleged perpetrator. By the time the Newsnight Report was broadcast, Lord McAlpine had been widely identified as the subject of the claims. There had also been comments online to the effect that Newsnight would "bottle it again". This was a reference to the decision taken by Newsnight not to broadcast the report on Jimmy Savile in December 2011.

On 9 November 2012, Newsnight broadcast their own apology and also included a clip of an interview that had been recorded with Mr Messham earlier that day, in which he offered his "humble apologies to Lord McAlpine" for wrongly identifying him as the abuser. Newsnight and the BBC apologised unreservedly for having broadcast the report.

## Executive action following the broadcast

Mr Entwistle, in his capacity as Director-General, commissioned a report by Mr MacQuarrie, Director Scotland, into what had happened (see Appendix 1). All new investigations by Newsnight were suspended – and remain so – and all collaborations between the BBC and BIJ were put on hold and remain so. Subsequently, Mr Entwistle resigned. Three BBC employees have been subject to disciplinary action. The Executive agreed terms with Lord McAlpine to settle his libel claim for the sum of £185,000 plus costs. The Executive made a further apology in court on 18 December 2012.

## Trust Action

Lord Patten, in his capacity as Chairman of the Trust, publically acknowledged that this was *"shoddy journalism"* and on 10 November 2012 the Trust issued a statement acknowledging that *"there were serious failures in the normal checks and balances that the Trust expects from BBC journalism."* In a letter dated 4 December 2012, the Committee wrote to Roger Mosey in his capacity as Chair of the Editorial Standards Board

at the Executive and requested that the Executive provide answers to questions including the following points:

- At the time the Newsnight report was commissioned, what editorial controls did Newsnight put in place to satisfy itself that the report would be duly accurate, fair and compliant with the Editorial Guidelines and law?
- Prior to transmission, what checks did Newsnight make to confirm the substance of the allegations made by the key interviewee Mr Messham?
- What knowledge did Newsnight have, and what did it seek to obtain, about previous attempts to raise these allegations with the police and/or to put them into the public domain through the media?
- If there were reasons that had stopped these allegations being reported in the past, how did Newsnight satisfy itself that these had been overcome?
- In the days prior to transmission, how did the story develop and how did Newsnight continue to satisfy itself that the journalism was accurate?
- When was the BBC/Newsnight aware that Lord McAlpine's name had been tweeted in relation to their report?
- On the Friday of transmission, what considerations were made about going ahead with the broadcast in the light of Lord McAlpine's name being linked to the report by social media?
- Can the BBC confirm whether it relied on a single source for this report?
- If it was the case can the BBC give its view on the decision to rely on a single source for this report?
- If this was not the case, can the BBC explain why it considered it had more than one source?
- With regard to the final broadcast report, what was referred?
- To whom was it referred?
- What checks were made?
- Was there clarity as to who had the final editorial control over the accuracy and general compliance of the programme?
- In terms of accuracy, why were the allegations not put to Lord McAlpine, or his representatives, prior to broadcast?

- Prior to transmission, what checks did Newsnight make to confirm the credibility of the interviewee Mr Messham?
- Can the BBC explain why a photograph of Lord McAlpine was not shown to Mr Messham prior to transmission?
- Does the BBC consider that the report brings any of these Guidelines into play?
- If so, which ones and in what regard?
- In terms of Fairness, why were the allegations not put to Lord McAlpine, or his representatives, prior to broadcast?
- What relationship did the BBC have with the BIJ?
- Was there a formal contract between the BBC and the BIJ?
- Did the contract include a confidentiality agreement to prevent the leaking of any private information?

Following receipt of the Executive Report, the Committee requested that the Executive:

- Provide details of approximately how many other people were identified on social media as possibly being the paedophile referred to in Mr Overton's tweet.
- Confirm that Mr Messham had told the producer who was overseeing the report that he was satisfied he had correctly identified his abuser.
- Confirm whether Newsnight asked whether Mr Stickler, Mr Messham and his solicitor how they were confident that the accused had been correctly identified.
- Clarify the extent to which the following factors were relevant: firstly, the speculation that Newsnight would "bottle it" and secondly, the potential reputational damage to Newsnight of not broadcasting the Newsnight Report.

### **The Executive Report: Key findings**

The key findings of the Executive Report are summarised below:

- Newsnight, aware the freelance reporter had interviewed the same interviewee for two previous BBC broadcasts, did not ask for fresh checks to be carried out as to the substance of the allegations.
- Excessive reliance was placed on the idea that the key interviewee's allegations had been subject to previous and adequate due diligence by the BBC. This, combined with the reliance placed on the freelancer reporter's expertise gave rise to a situation in which the journalism was subject to less scrutiny than should have been the case.

- Newsnight's freelance producer had sought, and been given, assurance from the reporter, the interviewee and his solicitor about the identity of the abuser – but the programme did not verify this separately.
- Activity on Twitter raised issues of jigsaw identification and the programme team sought legal advice regarding the defamation risk. The advice provided was that, as the report did not identify an individual, the defamation risk involved in transmitting it was low. This advice was given on the basis that the pool of people being mentioned on social media was large enough to avoid any individual being identified.
- Newsnight was aware of online reports that stated the political figure at the centre of the row strongly denied the allegations. Despite this, no action was taken to contact Lord McAlpine. The decision not to check the allegations with Lord McAlpine is the subject of differing recollections among those involved in the story: some individuals recollect this decision as being informed by legal advice, however, the lawyer does not recall this issue being discussed with him and in any event would have regarded it as a matter that should be addressed under the Guidelines.
- The Executive cannot explain why a photograph of Lord McAlpine was not shown to the key interviewee prior to transmission. The freelance reporter accepts that this was a terrible mistake.
- While the programme was referred-up both within News and to Board level, this was not managed clearly.
- Advice from Editorial Policy was only sought about a specific question regarding whether the victim ought to take information to the police.
- Newsnight considered that it had not relied on a single source for the programme because the reporter had previously recorded an interview with a second source, who was not identified in the broadcast on Radio Five Live in 2000 but who appeared to support the allegations. The Executive noted that the journalist was not in contact with the second source, whose original contribution had been anonymous, and concluded that it should not have been relied on as a second source. In addition they also noted that the Waterhouse Tribunal report *Lost in Care* had concluded that the second witness was probably talking about a different abuser.
- Newsnight did not tap into the considerable knowledge about the story at BBC Wales.
- The Executive concluded that: basic journalistic checks on the story were not applied; the BBC made inadequate attempts to seek validation for the story beyond what the reporter delivered; the management of the story was inadequate; and jigsaw identification of Lord McAlpine became possible and this risk increased during the day of the broadcast; and, in the end, the decision to broadcast the report was wrong.



## The finding by the ESC

The Trustees agreed that this acknowledged failure by a flagship strand, Newsnight, was extremely concerning. The Trustees noted that it is important to understand what had happened and reach a public finding so that the BBC could be open with the public both as to what had gone wrong and what was being done to prevent this happening again.

The Trustees approached this case fully aware that the BBC has a tradition of excellent investigative journalism in the public interest. The Trustees were aware too that there had been a move in society generally to listen to those victims who spoke up about the abuse they had suffered. The Trustees considered the BBC had an important role in covering such stories, but that the requirement for its journalism to be rigorous was unchanged. The Trustees noted that one of the inherent difficulties in abuse cases is that usually only the victim and perpetrator can give evidence as to what happened. This makes such stories very difficult to uncover and report. The Trustees agreed that it was right that the BBC should look at such cases and expose wrongdoing. It is therefore extremely important that strong corroborative information is available to substantiate an accusation of abuse. The consequences of an individual being wrongly identified as being an abuser are extremely serious for the accused, and his or her family. It could lead to additional distress for the victim. It also severely diminishes trust in the BBC.

In considering this matter, the Trustees noted that the Executive Report made it clear that the programme-makers had relied heavily both on Angus Stickler's (the reporter's) own expertise and knowledge of the story and also on the fact that two previous BBC broadcasts on Radio 4 and Radio 5 Live by the same reporter had been produced in a way that was duly diligent.

The Trustees did not attach importance to the fact that the Newsnight Report had been carried out by a freelancer. The Trustees felt that freelance workers are integral to the broadcast industry and to journalism. A complicating factor was that Mr Stickler had previously worked for the BBC for many years and was regarded as a 'safe pair of hands' who may therefore have been subjected to lighter-touch editorial checks than if he had been less well known to the Corporation. The essential point was that editorial control rested with the BBC.

The Trustees agreed that in investigative programmes there is an inherent danger of over-reliance on one journalist's expertise. The conviction and commitment needed to pursue and attempt to tell difficult stories means that programme-makers can sometimes be unaware of possible flaws in them which are more apparent to a third party who comes fresh to the matter. This is why teams need authoritative editorial challenge in order to test the facts.

The Trustees noted that the Acting Editor, Liz Gibbons, had tried to carry out on-line checks into Mr Messham's story before commissioning a report, but found it difficult as the Waterhouse Report did not reveal the identity of those people giving evidence and of people accused of abuse. Ms Gibbons maintains that she had raised concerns regarding the key witness's credibility and had received assurances from Mr Stickler. The Trustees noted that Ms Gibbons was unaware that the Waterhouse Tribunal report, *Lost in Care*, had cast doubt on some of Mr Messham's evidence (although they were clear he was a victim of abuse) and also concluded that the second witness from the Radio Five Live broadcast of 2000 (who Newsnight were unable to contact) had probably been referring to another abuser.

The Trustees considered the Guidelines carefully and agreed that the Accuracy Guidelines applied<sup>1</sup>. The Trustees agreed that it is clear that basic journalistic checks were not carried out. In particular, the Newsnight team did not carry out fresh checks regarding the substance of the allegations. The Trustees considered that the Newsnight team also placed undue weight on the fact that the reporter had interviewed Mr Messham several years earlier, regarding similar allegations concerning a senior political figure, in the course of preparing for earlier broadcasts.

The ESC noted the emphasis in the Accuracy Guidelines on the need for stories to be “well sourced” and agreed that a higher degree of caution should be exercised where there is only one source. The Trustees agreed that members of the Newsnight team were wrong to regard this as a report with two sources, given that the second witness could not be found. The Trustees found it particularly concerning that, at no point in advance of the broadcast of the Newsnight Report, was Mr Messham shown a photograph of Lord McAlpine and asked to confirm that he was the individual at the centre of the allegations.

The Trustees then went on to consider the fact that Lord McAlpine denied the allegations when contacted by Mr Crick on 1 November 2012 and whether he should have been given the opportunity to comment before the Newsnight Report was broadcast. They acknowledged that it would not normally be standard practice to contact an individual for comment in circumstances where the individual had not been named. However, in the particular circumstances of this case, where the Newsnight team were aware that the allegations had been strenuously denied, the Trustees agreed that Lord McAlpine should have been contacted. The Trustees noted that the Executive Report did not address the question of why it was decided that Lord McAlpine should not be named. The Trustees have subsequently raised this with the Executive and have been informed that the Acting Editor has stated that it was realised from the outset that having two alleged victims naming their alleged abuser as Lord McAlpine was not sufficiently strong evidence to justify identifying him in the broadcast.

The Trustees noted that concerns had previously been raised concerning the credibility of some of the evidence of Mr Messham and that this information was known to members of BBC Wales. The Trustees considered that parts of BBC News not contacting colleagues in the nations and regions when investigating stories on their patch was very poor practice. Had members of the BBC in London contacted their colleagues in Wales, this information could have been shared. Accordingly, an important opportunity to address concerns regarding the accuracy of the Newsnight Report was missed. The Trustees would like to take this opportunity to underscore the importance of liaising with members of the BBC based in different areas where appropriate.

The Trustees noted that this failure occurred in the wake of the decision by Newsnight not to run an investigation into Jimmy Savile and sexual abuse in December 2011. That decision had led to considerable changes in the accountability structure both within Newsnight and beyond. Those changes – as well as changes of personnel within the programme – appear to have contributed to a situation whereby there was a lack of clarity concerning who had overall editorial responsibility for the content of the Newsnight Report.

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<sup>1</sup> The Trustees noted that Ofcom is currently considering whether there has been a breach of the Ofcom Broadcasting Code.

The Trustees noted that the Executive had acknowledged that programme-makers were aware of suggestions online that Newsnight would “bottle it again”, and that concern about possible “reputational damage” in that event “played too large a part” in the decision to proceed with the broadcast.

The Trustees noted that Controller Five Live had been made aware of the story on 29 October 2012 and that on the day of broadcast had received the script and had exchanges with the Acting Editor. It was regretted that there had been a lack of clarity as to who had had final editorial sign-off. The Trustees accepted the Executive’s position that this rested with Controller Five Live.

The Trustees were clear that there was a failure of editorial control within the BBC; this was a high-risk report which required rigorous supervision and did not receive it.

### Conclusion

The Trustees agreed a most serious breach of the Accuracy Guidelines had occurred. The allegations were not based on sound evidence. They were not thoroughly tested and, whilst there was no suggestion that the programme makers had sought to mislead the public, this had been the effect. The combination of the Newsnight Report and the online speculation had led to Lord McAlpine being incorrectly identified as Mr Messham’s abuser.

The Trustees noted that the failures by members of the Newsnight team resulted largely from a failure to adhere to the Editorial Guidelines. The Trustees wish to reiterate the importance of following these comprehensive Guidelines.

The ESC did not consider whether privacy and fairness obligations applied in this matter as both were being considered currently by Ofcom. The Trustees will return to this issue when Ofcom had concluded its investigation.

The Trustees will request a report from the Executive in 2013 on the steps that will be taken to ensure the BBC learns from these events after Ofcom has published its finding. The Executive will also be asked to identify where best practice and experience in investigation and editorial control exists in the BBC and share those lessons across the BBC. This report will be published.

The Trustees noted that in normal circumstances they would direct the BBC to make an on-air apology. However, an apology has already been made on air and in court. The Trustees also noted that disciplinary action (which is a matter for the Executive and not the Trust) had taken place. Mr Entwistle had resigned from his role as Director-General.

This has been a grave breach which had been costly to all concerned. The Trustees wish to put on record an apology to Lord McAlpine and to the public for this serious failure of BBC journalism.

# Appendix 1: The MacQuarrie Report

## **Report into Newsnight Story on Child Abuse in North Wales Broadcast on 2 November, 2012**

### INTRODUCTION

This is a report into the circumstances and facts surrounding the broadcast of an item on Newsnight on 2 November 2012. The report in question raised issues arising from historical allegations of child abuse in children's homes in North Wales, and contained allegations against an un-named individual.

During the preparation of this report, many of the key people involved have been interviewed by telephone, or have submitted documentation by email.

## 1. BACKGROUND TO THE NEWSNIGHT BROADCAST

On Friday 2 November 2012 Newsnight broadcast a report on historical allegations dating from the 1970s and 1980s of child abuse at children's homes in Wales. The programme claimed to reveal that two victims had alleged that a leading Conservative political figure from the Thatcher era had been among their abusers. The political figure was not named in the report. One victim, interviewed for the report, described the abuse and confirmed that one of his abusers was a senior political figure. The second victim was not a contemporary interviewee. The extract used in the report came from a radio investigation dating from 2000.

The report was the result of a collaboration with the Bureau of Investigative Journalism (BIJ), a not-for-profit organisation based at City University which works with media organisations on investigative stories. The BIJ has worked on a number of occasions in the past with BBC outlets, including Newsnight.

In the days following the broadcast of the report, various names were mentioned extensively on social media and other internet forums. Speculation as to the identity of the political figure referred to in the programme was intense. On Friday 9 November, and following press reports that the political figure in question might have been the victim of mistaken identity, Lord McAlpine, former treasurer and deputy chairman of the Conservative Party, issued a statement denying his involvement and setting out his intention to take legal action. Later that day, the first victim issued a statement to the effect that what he described as "the individual concerned" was not the person he had previously identified as Lord McAlpine and apologised to Lord McAlpine and his family.

That evening, Newsnight broadcast a statement apologising unreservedly for having broadcast the original report, and announcing various further actions.

## 2. EDITORIAL MANAGEMENT IN NEWS

During the period since the investigation into allegations surrounding Jimmy Savile began, an editorial sign-off process in News was put in place to provide separation between “business as usual” stories and “Savile-related” stories. Director of News and Deputy Director of News were editorially and managerially responsible for all non-Savile-related output and stories. A separate editorial chain of command was established for all Savile-related material. For the first period, Director Global News was the senior editorial sign-off person within News. This responsibility was then taken up by Controller Five Live, who was seconded into News to take on this role at the point that Director Global News went on leave on Wednesday 31 October. In addition, a member of the Board of Management has been designated as the editorial lead for the Board on Savile-related matters. At the time of the Newsnight broadcast, this was Director Northern Ireland.

### 3. THE EDITORIAL PROCESS

The story first came to the BBC's attention when the reporter from the BIJ contacted the Acting Editor of Newsnight on Sunday 28 October. He told her that stories were surfacing elsewhere in the media about historic allegations of child abuse in Wales, and suggesting that senior political figures might have been involved. He said that he had further elements to the story, including one person willing to go on camera. The Editor thought it worth pursuing, as it was potentially a good story about institutional failure and the potential involvement of senior political figures. She was clear at that point that there was no intention to name the political figure allegedly involved.

She had worked with the BIJ before - always with this reporter. He would be contracted by the programme as a freelance. She would always insist that his producer would be a senior person from the Newsnight team, or a trusted freelancer. In this instance the producer was a former BBC staffer, now working freelance. The Editor knew that the nature of the story meant that she would need to get clearance when required; she was not at senior manager level.

She did ask about the victim's credibility and was assured by the reporter that there was no issue in this respect. He had worked with the victim before and Radio Five Live had broadcast material previously based on his testimony.

The Editor believed that the main elements of the story were the alleged failure in the public inquiry into the original allegations and the alleged involvement of senior figures, including a senior Conservative political figure. Her main concern was around the potential identification of the political figure. She was not overly worried about the substance of the evidence, as she believed Radio Five Live had previously broadcast material based on the two victims who had identified the political figure.

The Editor did not seek confirmation of the identity of the political figure from the reporter. She knew that the reporter had worked on the story for years and that elements of it had previously been broadcast by Radio Five Live. She assumed therefore that due diligence had been carried out in that respect.

The first victim was interviewed for the programme. The second victim could not be traced, although audio material from the Five Live programme in 2000 was available and used. The Editor believed that the story, as articulated by the first victim, was corroborated by the historical material from the second victim and by the first victim's solicitor, who was also interviewed for the Newsnight report.

There was some discussion as to whether the allegations should be put to the political figure for response. It was decided that, as he would not be named, and there would not be sufficient other detail in the report to identify him, this would not be necessary.

The intention was to broadcast the item on Friday 2 November. It included a contemporary interview with the first victim, audio extracts of the interview with the second victim, dating from 2000, as well as contributions from a member of an independent panel which looked at allegations of child abuse in North Wales in 1994, and from the first victim's solicitor. The Editor was keen for the report to be broadcast that day as she believed the story was in the public domain and other media were working on similar stories, and because she was due to fly to the USA the following day for two and a half weeks, and didn't want to leave the story with someone else.

On the day of intended broadcast, at around 1000, the managing editor of the BIJ tweeted to the effect that Newsnight would be running an item making allegations that a very senior political figure was a paedophile.

This caused alarm and consternation among the Newsnight editorial team. The Editor asked the reporter to call the managing editor of the BIJ immediately and



tell him to stop tweeting. After some discussion, the managing editor of the BIJ agreed to do so and apologised.

At this point, it hadn't been decided for sure that the piece would run that day. It became apparent that there was a lot of speculation on social media about the report and the identity of the political figure. The Editor decided to refer to the Controller of Five Live on the issue of the Twitter activity and whether that should influence the decision on whether to broadcast, as it raised the possibility of jigsaw identification. It had never been the intention to trail the story ahead of broadcast, by any means.

The Editor discussed with the Press Office the possibility of Newsnight putting out a statement indicating that the programme would not be naming anyone in connection with the allegations. It was agreed not to do this, given that it was not certain at that stage that the piece would run.

During the course of the afternoon, Controller Five Live was shown the script for the report. The Editor believed, and continues to believe, that Controller Five Live had the final editorial sign-off on the report. Conversations took place involving Controller Five Live, the Editor and the duty lawyer. The decision to broadcast was taken because it was felt that the piece was in the right condition to do so. The activity on social media was extensive but did not fundamentally affect the decision to broadcast, which was based on the editorial content of the report.

Controller Five Live did not have concerns about the level of experience of those working more directly on the report - he was reassured by the involvement of the reporter, as he knew about his long history on the story and his knowledge of the subject matter. Controller Five Live did not ask the editor if formal checks had been done by the victim to confirm the identity of the alleged abuser. This was because the programme would not name the alleged abuser and, in his view, the nature of the checks required in such a situation would be lower than if there had been an intention to name.

Following discussion between Controller Five Live and the duty lawyer about the potential for jigsaw identification of the political figure (in light of the social media and other outside activity) the item was cleared for broadcast from a legal point of view.

There were two further referrals during the course of the day:

- Controller Five Live asked the Editor to refer to the Chief Adviser, Politics (in his capacity as deputy to the Director of Editorial Policy and Standards) on the question of whether there was material in relation to the report that should be passed to the police. She did so, and there were further communications during the course of the day resulting in a process being agreed to put the victim in contact with police officers involved in the investigation of child abuse allegations.
- Controller Five Live called Director Northern Ireland (in his capacity as the Board of Management lead) on the Friday afternoon as he felt the need to tell him about the story because of the issues around naming, given the level of social media activity. He also briefed him on the general substance of the story. Director Northern Ireland subsequently called the Director of Communications to make sure that he was across the story from a corporate point of view. He did not refer to the Director-General as he didn't feel that he needed to know.

The reporter has worked on aspects of this story over many years. He believed that both victims had previously identified the alleged abuser from photographs, in the presence of the police. He did not at any time show a photograph to either victim and acknowledges that this was a terrible error on his part, for which he is profoundly sorry. In relation to the Newsnight report, the reporter is clear that the intention was never to name or identify in any way the alleged abuser. He re-interviewed the first victim, but was unable to speak to the second victim. He did

not try to contact the alleged abuser to put the case to him, on legal and editorial advice. He acknowledges that concerns about both victims are known within the BBC and wider media - but he points out that their voices have been used in the past, based on advice given by the BBC's lawyers, and he believes that the victims of child abuse should be heard, with the caveat that their testimony be treated with extreme caution.

The report was cleared for broadcast from both the legal and editorial perspectives. It is clear that, during the editorial decision-making process:

- The focus of discussion on the day of broadcast was on the potential for jigsaw identification of the alleged abuser (taking into account the outside activity such as social media and the web) rather than on the substance and veracity of the allegations.
- Nobody in the editorial chain sought demonstrable proof, beyond the assurances of the reporter and the assumption that due diligence had been carried out in relation to previous broadcasts, that the first victim had confirmed the identity of the alleged abuser – the political figure.
- The first victim was not shown a photograph of the alleged abuser, or asked to demonstrate by other means confirmation of the identity of the alleged abuser.
- It was not thought necessary to put the allegations to the alleged abuser for response, on the basis that he was not being named or identified in the programme by other means.

#### 4. EDITORIAL APPROVAL

It is clear that, in relation to the broadcast of the Newsnight report on 2 November, there was ambiguity around who was taking the ultimate editorial responsibility for the report going ahead within the programme.

- The Editor believed, and continues to believe, that Controller Five Live had final editorial sign-off for the report.
- Controller Five Live believes that different people were responsible for sign-off at each level. The Editor was across all the detail of the story. He, himself, as the editorial lead within News, was satisfied with the overall coherence, soundness and legality of the story. Director Northern Ireland, as the editorial lead on the Management Board, was aware of what was happening. Controller Five Live saw himself as referring the whole story to Director Northern Ireland, not just a specific element.
- Director Northern Ireland believes that the referral to him was on the specific issue of the corporate implications of the story for the BBC in relation to allegations about a senior public figure, albeit unnamed.
- Deputy Director News, who had senior managerial and editorial responsibility for Newsnight, and who continued to be the editorial lead within News on non-Savile-related content on the programme, had no knowledge of the report until half an hour before broadcast.

## 5. THE EDITORIAL MANAGEMENT OF NEWSNIGHT

On 22 October 2012, the Editor of Newsnight stepped aside following the controversy surrounding the decision, in December 2011, not to broadcast an investigation into matters relating to Jimmy Savile and child abuse. At around that time (Oct 2012), one of the deputy editors left the BBC. The programme is currently under the editorial charge of the remaining deputy editor, acting as Editor.

It is clear from the events relating to the broadcast of 2 November that the editorial leadership of the programme is under very considerable pressure. The acting Editor herself says she has found the situation very stressful in general, and the run-up to the broadcast on 2 November particularly so. This was compounded by her having to depart shortly afterwards to the US to take charge of the programme's coverage of the elections there.

The Deputy Director of News is of the view that senior leadership within News had put adequate provision in place to support the acting Editor. It was made clear to her that she could contact him at any point on business-as-usual editorial issues and that she also had a contact at News Board level for any Savile-related issues.

There is a view from within the team that there is not enough editorial experience at a senior level on the programme and that this is having an effect on the journalism.

In particular, there is dismay at the sequence of events leading up to, and subsequent to, the broadcast of 2 November. An individual [identifying details redacted] is of the view that the report was sub-standard journalism from people outside the Newsnight team, compounded by inept management of the item. The individual [identifying detail redacted] formed the impression that the focus was on the potential for jigsaw identification and was heavily-influenced by the outside

activity, particularly that on social media. As a consequence, basic checks, such as verification of the identification by the first victim, and seeking a response from the alleged abuser, were simply not done. In general, this individual [identifying detail redacted] believes that not enough has been done to harness the experience of the more senior journalists to assist in the editorial decision-making.

## 6. EMERGING THEMES

The following key points emerge from this short investigation:

### Nature of the Story

This was a highly complex story that went from commission to transmission within a week.

### Editorial Management of Newsnight

The Newsnight management structure had been seriously weakened since the Editor stood aside and one of the Deputy Editors had left the organisation. The editorial leadership of the team was under very considerable pressure. Given the context of all that had happened in the previous weeks, more should have been done to strengthen the editorial leadership within the department and to provide support to the team.

### Editorial Approval

There was ambiguity around who was taking the ultimate editorial responsibility for the Newsnight report, particularly in the week leading up to transmission on Friday 2 November. It was not clear whether the story was Savile-related or not, or when that decision was made and communicated: a clear decision on this does not appear to have been taken until lunchtime on Friday 2 November.

### Basic Journalistic Checks

During the editorial decision-making process, some of the basic checks were not completed as set out earlier in this report. A number of reasons were given for this (eg the Editor believed that due diligence had already been done by the reporter in relation to the previous story, broadcast in 2000; it was believed that right of reply was not necessary because the individual wasn't being named; the focus during the day was on legal issues related to jigsaw identification rather than the editorial content of the story). Despite the gap in time and the inability to trace the second victim, none of the members of the team treated the story as single-sourced. They took the view that sufficient corroboration was offered by the original interview with the second victim and by the first victim's lawyer.

### Relationship with Bureau of Investigative Journalism

The relationship with the BIJ was well-established and the Newsnight team had worked previously on many occasions with the reporter, who had a very strong journalistic track record. However, because of this relationship, an element of trust was placed in an outside body. The Managing Editor of the Bureau sent out the tweet on the morning of Friday 2 November which led to the speculation on Twitter, the heightened pressure on the Newsnight team during the day and the disproportionate focus of the decision makers on the issue of jigsaw identification and the legal issues surrounding that, rather than on the editorial content of the piece. The Managing Editor also mentioned the story over a private dinner to a reporter from Channel 4, which led to a story in Channel 4 News on the evening of Friday, 2 November and further Twitter activity.

### Final Editorial Sign Off

It is unclear amongst the key parties where responsibility lay for the final editorial sign off for the story on the day, as set out in the report.



## LIST OF INTERVIEWEES

- |                                 |   |
|---------------------------------|---|
| 1. Adrian Van Klaveren          | Controller 5 Live                               |
| 2. Peter Johnston               | Director BBC Northern Ireland                   |
| 3. Liz Gibbons                  | Acting Editor Newsnight                         |
| 4. Steve Mitchell               | Deputy Director BBC News                        |
| 5. [name redacted]              | Senior journalist BBC Wales [position redacted] |
| 6. [name redacted]              | Solicitor, BBC Legal [position redacted]        |
| 7. Andrew Scadding              | Head of Corporate Affairs                       |
| 8. [name redacted]              | Freelance Producer [position redacted]          |
| 9. Angus Stickler<br>submitted) | Freelance Reporter (initial written responses   |
| 10.[name redacted]              | BBC staff [position redacted]                   |
| 11.[name redacted]              | BBC staff [position redacted]                   |
| 12.[name redacted]              | BBC staff [position redacted]                   |

## MATERIALS

1. Email correspondence between Adrian Van Klaveren and Steve Mitchell 6/7 November
2. Emails dated 2-4 November from Liz Gibbons
3. Background material from BBC Wales about the N Wales child abuse story
4. Written account from Ric Bailey, Chief Adviser Politics
5. Viewing of Newsnight report Friday 2<sup>nd</sup> and Friday 9<sup>th</sup> November

# Appendix 2: Report by the BBC Executive

## Introduction

Newsnight broadcast this apology on November 9th:

*On 2 November, Newsnight broadcast a report that looked into criticism of the North Wales Abuse Tribunal. The report included an interview with Steve Messham, an abuse victim who said that a senior political figure of the time had abused him. We broadcast Mr Messham's claim but did not identify the individual concerned. Mr Messham has tonight made a statement that makes clear he wrongly identified his abuser and has apologised. We also apologise unreservedly for having broadcast this report.*

This was less than two weeks after the Acting Editor of Newsnight, Liz Gibbons, had commissioned a report looking into allegations of institutional failures in relation to historic cases of child abuse in Wales. The idea for the report had been brought to her on Sunday, October 28 by Angus Stickler, the former BBC journalist who now worked with the Bureau of Investigative Journalism at City University.

Angus Stickler had been reporting on child abuse over many years and was in part spurred to reopen this story, which he had previously covered for the BBC, by references made by Tom Watson MP during Prime Minister's Questions to a potential cover-up of a paedophile ring linked to Parliament. The intention was to examine concerns that the Waterhouse Tribunal in 2000, which investigated sexual abuse in a number of children's homes in the 70s and 80s, failed to address allegations concerning a wider paedophile ring in north Wales, including that a senior Conservative figure was involved according to a victim, Steve Messham.

The report which was broadcast just five days later, on Friday 2 November, led on the allegations about the unnamed senior Conservative. Considerable public awareness of the report had built up during that day, including that it centred on a political figure. This was due in large part to social media activity prompted after the Editor of the BIJ, Iain Overton, had tweeted that morning that Newsnight hoped to broadcast a report that night about a senior political figure being a paedophile<sup>2</sup>. Iain Overton had told Channel 4's Political Editor, Michael Crick, about the story in a conversation the previous night, and Michael Crick tweeted that the person concerned denied the story<sup>3</sup>, following this up with an item on Channel 4 News a few hours before Newsnight broadcast its report. Later in the evening, he also tweeted that the senior political figure had told him he still had not heard from the BBC<sup>4</sup>. In the context of Newsnight's editor, Peter Rippon, having had to

<sup>2</sup> 'If it all goes well we've got a Newsnight out tonight about a very senior political figure who is a paedophile'

<sup>3</sup> '"Senior political figure" due to be accused tonight by BBC of being paedophile denies allegations + tells me he'll issue libel writ agst BBC'

<sup>4</sup> 'The senior political figure due to be accused paedophile activity by BBC tonight tells me that he still hasn't heard from them for response'

stand aside while his decision to drop its story about Jimmy Savile and child abuse was investigated, there were suggestions on Twittersphere that Newsnight would “bottle it again” by not naming the alleged abuser.

In the days that followed the broadcast, there was considerable social media speculation about the identity of the political figure. Then the Guardian published a report on 9 November naming Lord McAlpine as the victim of mistaken identity and Lord McAlpine himself issued a denial the same day. Subsequently Steve Messham apologised, and said that Lord McAlpine was not the man who had abused him. Newsnight broadcast its apology that night and the Director of BBC Scotland, Ken MacQuarrie, was asked to deliver a report on what had happened to the Director General the same weekend.

This report aims to give more editorial context to the MacQuarrie report, with which it can be read in conjunction, focusing in particular on the failures of editorial standards. It addresses the Trust’s specific questions under broad headings, so that the information relevant to those questions can be seen in context, and as part of a clear narrative.

## **Newsnight and accuracy issues prior to transmission**

### ***Verification***

When Angus Stickler approached Newsnight’s Acting Editor with the idea for the report, he was well known to her as an award-winning journalist and someone with whom Newsnight and she personally had worked successfully over time. He explained to the Acting Editor that Steve Messham, the same victim he had interviewed for a 5 Live report in 2000 and a Radio 4 report in 2004, was willing to go on camera to talk about a potential cover-up at the Waterhouse inquiry. Steve Messham wanted to raise issues about a wider paedophile ring, which, according to him, included a senior Conservative figure who had abused him. There was also the hope of finding and interviewing the other – anonymous – witness who had featured in the previous 5 Live report.

Before meeting Angus Stickler, the Acting Editor did some background research on the internet. She read the terms of reference of the Waterhouse Tribunal and the conclusions of the relevant chapter. She also googled Steve Messham’s name, finding that he had been acquitted of embezzling money from a victims’ fund. On the morning of 29 October, she met Angus Stickler and discussed the story with him at length. She then agreed to embark on the story.

Given that the 5 Live report had been cleared for broadcast, essentially Newsnight relied on Angus Stickler, as the reporter, having previously checked out the allegations made by the key interviewee, Steve Messham. Newsnight did not, therefore, ask for fresh checks to be made as to their substance. In the light of this assumption that due diligence had been carried out for previous BBC reports and in the mistaken belief that there was no doubt about the identity of the abuser, at this stage the issue identified as key was legal risk. The particular focus was on the extent to which it would be possible to incorporate Steve Messham’s allegations about Lord McAlpine in the wider story – though it was never the intention to name Lord McAlpine.

In terms of editorial controls, there was excessive reliance on the idea that Steve Messham’s allegations had been subject to previous, and adequate, due diligence by the

BBC. This, in combination with the reliance placed on Angus Stickler's expertise gave rise to a situation in which the fundamental journalism was subject to less scrutiny than should have been the case.

After the report was commissioned, a freelance (former Newsnight) producer and Angus Stickler worked on filming the story. The freelance producer asked Angus Stickler whether Steve Messham had identified the right person. In the light of his answer and the confirmation given by Steve Messham himself and his solicitor, the freelancer producer had no doubts about the identity of the person by the time they conducted the interview with Steve Messham on the Wednesday. The Acting Editor's focus returned to the story on Friday 2 November, the day of broadcast. At this point, the team had not succeeded in tracking down the second witness who had appeared in the 2000 report. No decision had been taken about whether to air the report when Iain Overton published his tweet on the Friday morning.

We cannot be precise as to when the Newsnight team first became aware that Lord McAlpine's name had been tweeted in relation to the report. Nevertheless, it is clear that Iain Overton's tweet (which did not name Lord McAlpine) and Twitter responses to it (which linked Lord McAlpine's name *amongst others* to the allegations), were a grave concern to the Newsnight team because of the risk of jigsaw identification. There were discussions involving the lawyer, who regularly gave advice to Newsnight, and Adrian Van Klaveren (as the temporary point of referral for Savile-related matters in News) as to the legal safety of going ahead with broadcast. The legal advice, which was directed to the issue of defamation, was that, as the report identified no individual, the risk involved in transmitting it remained low – advice given on the basis that the pool of people being mentioned on social media was big enough to avoid any individual being identified.

The decision not to check the allegations with Lord McAlpine (even after Michael Crick's broadcast, which reported the "former senior Conservative official" as denying any abuse) is the subject of differing recollections. The Acting Editor and Angus Stickler recollect it as being informed by legal advice, but the lawyer does not recall the issue being discussed with him, and in any event would have regarded it as a matter that should be addressed under the Editorial Guidelines. Regardless of any question of legal advice, however, the view of the Executive is that, following Michael Crick's tweet saying that the political figure concerned was threatening libel action and his Channel 4 report, the team should have seen the importance of checking the allegations with Lord McAlpine.

The case has highlighted the newly emerged and evolving impact that social media may have on how BBC output is perceived. In light of the manner in which Lord McAlpine came to be identified readily through social media, the BBC's Editorial Legal Group is reviewing best practice in assessing and mitigating the risks presented by actual and potential social media activity associated with BBC output.

### ***Single source?***

*"We should be reluctant to rely on a single source. If we do rely on a single source, a named on-the-record source is always preferable."*

The Newsnight team did not regard this report as being based on a single source. They considered that while there was a named single source, Steve Messham (who was freshly recorded on camera) there was also an archive recording of a second, anonymous,

witness who had identified the same political figure in an unbroadcast section of an interview with Angus Stickler. Furthermore, the first witness's solicitor corroborated his story.

In the view of the Executive, this was wrong. As the team were unable to locate the person interviewed many years earlier for a BBC report, and as the report of the Waterhouse Tribunal cast doubt on whether he had been referring to the same man as Steve Messham (though this was not known to Newsnight at the time – see below), it was unsafe to regard him as a corroborating source.

The Executive cannot explain why a photograph of Lord McAlpine was not shown to Steve Messham prior to transmission. Angus Stickler accepts that this was a terrible mistake but it is not clear why no-one else involved in the editorial process asked for this to be done or checked whether it had been. There seems to have been a reliance on the reporter's certainty over many years that Steve Messham knew the correct name of his abuser.

### ***Editorial responsibility for accuracy and compliance***

As Acting Editor, Liz Gibbons was responsible for the integrity of the journalism and she was clear that, given the sensitivity of the story, she needed to refer it to a more senior member of the editorial management. She first made Adrian Van Klaveren aware of the story on 29 October, and referred the final report to him on the day of transmission including sending him the script and having a number of exchanges with him.

The Executive takes the view, based on its enquiries, that responsibility for editorial sign-off of the report as a whole lay with Adrian Van Klaveren. In coming to this view, the Executive have taken account of the fact that Adrian Van Klaveren was only acting in that role temporarily and also there was a lack of clarity within BBC News as to whether this report should be regarded as Savile related. There was a single additional referral to Peter Johnston, as the editor-in-chief on Savile related issues, about which recollections differ; but the Executive takes the view that the actual go-ahead for transmission was a decision taken in London within Newsnight and BBC News.

There was a referral to Editorial Policy – about the issue of whether to advise Steve Messham to contact the police – but not about any editorial issues as such. For example, no check was made about whether it was suitable not to put the allegations to Lord McAlpine in contravention of the usual editorial standards.

### **Newsnight and Steve Messham**

The Acting Editor says she sought and was given assurances as to the credibility of the witness by the reporter. As Angus Stickler has explained in the MacQuarrie report, although concerns about Steve Messham and the second victim are known, their voices have been used in the past, based on advice given by the BBC's lawyers, and "he believes that the victims of child abuse should be heard, with the caveat that their testimony be treated with extreme caution."<sup>5</sup>

Corroboration for Steve Messham's account appeared to be given by the second victim, who came from a different home and had named the same person. The Acting Editor says she was not told that the report published in 2000 after the Waterhouse Tribunal, "Lost in Care", had concluded that he was referring to a different person from the first witness.

<sup>5</sup> MacQuarrie Report, Section 3, The Editorial Process

She was also unaware that the report had said that no reliance should be placed on the evidence of Steve Messham (referred to as witness B) and that a senior police officer had successfully fought a libel action against three publications in 1994 after Steve Messham had falsely claimed having been abused by him. Nor did she know that the name McAlpine had actually been raised in the hearing so that all journalists who followed it could indeed have linked Steve Messham and Lord McAlpine. This information did not come to light in the course of her internet research, presumably because Steve Messham had been granted anonymity in these instances, and the name "McAlpine" had been replaced in the Tribunal report by "family x".

It is an unfortunate aspect of the situation that the information was available from colleagues in other areas of the BBC, but was not drawn upon. For example, if colleagues in BBC Wales had been alerted to the possibility of a significant story about their patch, the doubts about the credibility of his evidence could have been flushed out before any broadcast.

### **Newsnight and issues of Fairness, Harm and Offence and Privacy**

The Executive considers that the Guidelines primarily in play were those on accuracy, and in particular the requirement that output should be "*well sourced, based on sound evidence, thoroughly tested...*". In the Executive's view, the guidelines on fairness and privacy were not in play up to and including the time of transmission, because the report itself identified no individual as the subject of the allegations, and gave no grounds for followers of social media to identify Lord McAlpine rather than any other of the names in circulation at that time, as their subject<sup>6</sup>. The Executive nevertheless believes that, after Michael Crick had reported that the subject of the allegations had denied them, they should have been checked with Lord McAlpine, but as part of the process of establishing the accuracy of the story, rather than for purposes of right to reply. It might also have been advisable to check them with Lord McAlpine before Michael Crick's report, though not necessarily in a way which identified him as their subject.

### **Newsnight and the Bureau of Investigative Journalism**

Newsnight had collaborated with the Bureau of Investigative Journalism on four previous reports, with Angus Stickler as the reporter in each case. The BIJ supplied the reporter to Newsnight and Newsnight provided the production effort needed to bring the report to air. Liz Gibbons had worked with the BIJ and Angus Stickler before.

In accordance with Editorial Policy Advice, the formal contract between the BBC and the BIJ in this case stipulated that the BBC should have final editorial control of the film. Both parties warranted, in relation to their respective contributions to the film, that "the film should be a factually accurate, balanced and fair portrayal of its subject matter". Payment was to be made for the research that had been done and for the services of the reporter. There was no confidentiality agreement as such to prevent the leaking of any information before broadcast but under the terms of the contract the BIJ granted the BBC exclusive rights to the research prior to the BBC's first transmission of the film. The BBC agreed to name the reporter in the credits at the end of the broadcast and to refer to the BIJ in the introduction, subject to BBC Editorial Guidelines.

<sup>6</sup> This situation was altered in relation to the report's continued availability on iPlayer after reports that Mr Messham had said he had identified Lord McAlpine in error.

**Conclusions – what led to editorial standards failures**

1. Basic journalistic checks on the story were not applied. There was no attempt to show the complainant a photograph of the accused man – and the accusations were not put to Lord McAlpine even after Michael Crick's tweet and report, nor was sufficient attention paid to his denial reported elsewhere.
2. Related to this, the BBC appears to have made inadequate attempts to seek validation for the story beyond what the reporter delivered. The reporter was seemingly also used as the expert with no other use of specialist guidance – such as from colleagues at BBC Wales.
3. Although referral levels were clear in terms of who had sign off for broadcast, the management of the story was not carried out adequately.
4. The BBC report combined with social media made jigsaw identification possible. This is what led to the naming of Lord McAlpine in connection with the most damaging of accusations. However, we should note that case law here is only emerging alongside the social media revolution, that the participants believed that by not naming the political figure on the BBC they were within the area of acceptable risk, and that they took this view in the light of conscientiously-given legal advice. However, it is clear that the risk increased during the day of the broadcast, and in the end the decision to broadcast the report was wrong.



# Appendix 3: The Editorial Guidelines

## **Section 3 - Accuracy**

### 3.1

The BBC is committed to achieving due accuracy. This commitment is fundamental to our reputation and the trust of audiences, which is the foundation of the BBC. It is also a requirement under the Agreement accompanying the [BBC Charter](#).

The term 'due' means that the accuracy must be adequate and appropriate to the output, taking account of the subject and nature of the content, the likely audience expectation and any signposting that may influence that expectation. Therefore, we do all we can to achieve due accuracy in all our output, though its requirements may vary. The due accuracy required of, for example, drama, entertainment and comedy, will not usually be the same as for factual content. The requirements may even vary within a genre, so the due accuracy required of factual content may differ depending on whether it is, for example, factual entertainment, historical documentary, current affairs or news.

Accuracy is not simply a matter of getting facts right. If an issue is controversial, relevant opinions as well as facts may need to be considered. When necessary, all the relevant facts and information should also be weighed to get at the truth.

Where appropriate to the output, we should:

- gather material using first hand sources wherever possible
- check and cross check facts
- validate the authenticity of documentary evidence and digital material
- corroborate claims and allegations made by contributors wherever possible.

In news and current affairs content, achieving due accuracy is more important than speed

### 3.2.1

We must do all we can to ensure due accuracy in all our output.

### 3.2.2

All BBC output, as appropriate to its subject and nature, must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We should be honest and open about what we don't know and avoid unfounded speculation. Claims, allegations, material facts and other content that cannot be corroborated should normally be attributed.

### 3.2.3

The BBC must not knowingly and materially mislead its audiences. We should not distort known facts, present invented material as fact or otherwise undermine our audiences' trust in our content.

### 3.2.4

We should normally acknowledge serious factual errors and correct them quickly, clearly and appropriately.

## 3.3.1

Any proposal to rely on a single unnamed source making a serious allegation or to grant anonymity to a significant contributor must be referred to Director Editorial Policy and Standards and Programme Legal Advice.

## 3.4.2

In all our content we must check and verify information, facts and documents, where required to achieve due accuracy. If we have been unable to verify material sufficiently, we should say so and attribute the information.

## 3.4.5

Material supplied by third parties needs to be treated with appropriate caution, taking account of the reputation of the source.

We should normally only rely on an agency report if it can be substantiated by a BBC correspondent or if it is attributed to a reputable news agency.

We should only use other material supplied by third parties if it is credible and reliable.

## 3.4.10

We must take accurate, reliable and, wherever possible, contemporaneous notes of all significant research and other relevant information. We must keep records of research including written and electronic correspondence, background notes and documents. They should be kept in a way that allows double-checking, particularly at the scripting stage, and if necessary by another member of the team.

When we broadcast serious allegations made by an anonymous source, full timely notes of interviews, conversations and information that provide the basis for the story must be kept.

## 3.4.13

When quoting an anonymous source, especially a source making serious allegations, we must take all appropriate steps to protect their identity. However, we should give the audience what information we can about them and in a way that does not materially mislead about the source's status.

(See [Section 6 Fairness, Contributors and Consent: 6.4.10 - 6.4.12](#))

Whenever a story originated by the BBC involves an anonymous source, the relevant editor has the right to be told their identity. In cases involving serious allegations we should resist any attempt by an anonymous source to prevent their identity being revealed to a senior BBC editor. If this happens, the reporter should make it clear that the information obtained confidentially may not be broadcast.

**Any proposal to rely on a single unnamed source making a serious allegation or to grant anonymity to a significant contributor must be referred to Director Editorial Policy and Standards and Programme Legal Advice. We will need to consider:**

- whether the story is of significant public interest
- whether the source is of proven credibility and reliability and in a position to have sufficient knowledge of the events featured
- any legal issues (See [Section 18 The Law](#))

- safety concerns, for example for whistleblowers
- whether a response to serious allegations has been sought from the people or organisations concerned (See [Section 6 Fairness, Contributors and Consent: 6.4.25 - 6.4.27](#))
- sensitive and personal issues
- whether the serious allegation was made or substantiated "off the record".

#### 3.4.14

We should script carefully the reporting of allegations made by an anonymous source to explain:

- the nature of the allegation
- that the allegation is being made by an anonymous source and not the BBC.

When the allegations have not been independently corroborated, we should consider if it is appropriate to inform the audience.

### **Correcting Mistakes**

#### 3.4.26

We should normally acknowledge serious factual errors and correct such mistakes quickly, clearly and appropriately. Inaccuracy may lead to a complaint of unfairness. An effective way of correcting a mistake is saying what was wrong as well as putting it right. Where we may have broadcast a defamatory inaccuracy Programme Legal Advice should be consulted.